

VERBAL TESTIMONY OF GOVERNOR JOHN WAIHEE, III

Senate HWN/WLH Hearing 2/12/11

Are you taking any more testimony on this bill?

Well, we can for you, Governor.

Chairman, I appreciate your indulgence, and it was not really my intention to get involved in the Leg. As you know, it's not generally my intention to get involved in the legislative process, but since this bill that you are considering amending is my legislation I thought that perhaps I should speak out on it, and today I speak in opposition to these amendments.

I understand fully that if there are administrative or management problems - fiduciary problems as you characterize them - with the current situation of the management of Kaho'olawe, it is clearly within the purview of this Legislature to take control of this situation - and you ought to - and you ought to be having hearings on any of these issues that you perceive. But what the bill does, in fact, **is not only about its management but these amendments actually change the policies behind the creation that resulted in the return of Kaho'olawe to the people of Hawai'i.** The two policies I speak of are these: first of all this State has always taken the position that with respect to Hawaiian issues that certain groups have, because of their involvement in the issues, become trustees for that particular responsibility. For example, we have groups that are responsible for the bones that are being returned of our ancestors to Hawai'i. We have other groups that have been responsible for other aspects, for the list of people who are signing up to register as native Hawaiians. In the instance of Kaho'olawe, that was the Protect Kaho'olawe 'Ohana. **They became the trustees because of what they did to ensure the return of Kaho'olawe: people went to jail, people died, people gave up their children so that we can have this island.** It is not something that simply ought to be dismissed as a natural current of events, as another piece of state real estate. So the first policy you are going to decide with the passage of these amendments is whether the state of Hawaii will continue to honor its obligation to those who have paid for the trusteeship of various Hawaiian issues, lands, and policies. **You are more than changing and reducing members; you are reducing the commitment to the Protect Kaho'olawe 'Ohana and to the price they paid.**

The second policy that is involved in these amendments has to do with our own trusteeship and stewardship of this land. When the Island was returned after many years and the involvement of many people, the first thing that happened was I did not personally, as Governor of Hawaii, believe that we should treat this property, this special island, the same way that we treated the rest of State lands - as another piece of ceded soil - it had to be taken further, for more protection. And I feel like probably I was justified in that, given the recent lawsuit about how and what the state can do with ceded lands and how the United States Supreme Court refused to recognize the special, unrelinquished claim that Native Hawaiians have in Ceded lands - so **this property was not placed back into the DLNR inventory, it was set aside with a special commission to say that it actually belonged to the Hawaiian Nation. You can talk about it coming back to the state of Hawai'i, but it was specifically set aside by the people of this state, by their elected representatives, as the first piece of sovereign soil.** That is the policy behind this statute. If the Protect Kaho'olawe 'Ohana doesn't have insurance, do something that will insure them, but do not remove Kaho'olawe from its special status, this is not another piece of Leg. So, in all due respect to my fellow Senators and politicians- who I love dearly, by the way- **I have to tell you that in my opinion you are not adding a few seats or putting together a different process. You are changing the agreement that this state made with the Hawaiian people.** Thank you very much.